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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

AUDLEY BARRINGTON LYON, JR., et al.,
on behalf of themselves and all others
similarly situated,

Plaintiffs,

v.

UNITED STATES IMMIGRATION AND
CUSTOMS ENFORCEMENT, et al.,

Defendants.

Case No.: 13-cv-05878-EMC

**DECLARATION OF ROBERT P.
VARIAN IN SUPPORT OF MOTION
FOR AWARD OF REASONABLE
ATTORNEYS' FEES**

Date: August 4, 2016
Time: 1:30 p.m.
Courtroom: 5
Judge: Hon. Edward M. Chen

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1 I, ROBERT P. VARIAN, declare and state as follows:

2 1. I am duly licensed to practice law in the State of California and am a partner at
3 Orrick, Herrington & Sutcliffe LLP ("Orrick"). I am counsel of record for Plaintiffs in the above-
4 entitled action.

5 2. The facts contained in this declaration are known personally to me and if called
6 upon to testify as a witness thereto, I could and would competently do so under oath. This
7 declaration is submitted in support of Plaintiffs' Motion for Award of Reasonable Attorneys'
8 Fees.

9 3. I have been one of the primary attorneys working on this case since it was filed. I
10 have been a member of the California bar since 1983 and have substantial experience litigating
11 complex civil cases.

12 4. Orrick's policy and standard business practice with respect to recording billable
13 time is for each legal staff member on a daily basis to record the time that he or she spends on a
14 particular task, in increments of one-tenths of an hour. Each time-keeper enters those hours into
15 the Carpe Diem program, Orrick's computerized billing system. The time information set forth
16 below is calculated from these Carpe Diem records, which were compiled at my request.

17 5. For the calendar year 2013, Orrick attorneys spent 188.1 hours in prosecuting this
18 matter. For the calendar year 2014, Orrick attorneys spent 737.6 hours in prosecuting this matter.
19 For the calendar year 2015, Orrick attorneys and paraprofessionals spent 2,235.8 hours in
20 prosecuting this matter. From January 1, 2016 to June 10, 2016, Orrick attorneys and
21 paraprofessionals spent 2,026.6 hours in prosecuting this matter. However, I have exercised
22 billing judgment to reduce the number of hours for which Orrick seeks compensation for attorney
23 time, and excluded a total of 1,138.8 hours in calculating the lodestar below.

24 6. The lodestar calculations use EAJA-capped rates rather than market rates. The list
25 of billers and amounts below uses the rates published by the United States Courts for the Ninth
26 Circuit at http://www.ca9.uscourts.gov/content/view.php?pk_id=0000000039, namely \$187.02
27 per hour for 2013, \$190.06 per hour for 2014, \$190.28 per hour for 2015, and \$190.28 per hour
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for 2016. The EAJA-capped rates are substantially lower than market rates charged by large law firms like Orrick for the San Francisco, California area. Based on the conservative decision to calculate Orrick's lodestar based on EAJA-capped rates, rather than the market rates that could be justified based the special expertise of my colleagues, Charles Ha, David Keenan, Chris Siebens, Christine Smith, Alexis Yee-Garcia, and Judy Kwan, and myself, the value of the work Orrick performed on this case totals \$28,597 for 2013, \$111,351 for 2014, \$329,570 for 2015, and \$301,450 for 2016, for a total of \$770,968.

Biller	2013	2014	2015	2016
Robert Varian	\$13,241	\$27,844	\$19,694	\$17,258
Charles Ha	--	\$4,668	\$51,242	\$63,420
David Keenan	--	\$9,218	\$34,973	\$24,375
Chris Siebens	--	--	\$46,419	\$2,011
Christine Smith	\$9,884	\$37,012	\$8,924	--
Alexis Yee-Garcia	\$5,472	\$25,637	\$25,640	\$34,911
Judy Kwan	--	\$2,781	\$48,363	\$34,964
Matt Kugizaki	--	\$4,191	\$60,031	--
Emily Brown	--	--	\$19,473	\$55,902
Manu Salas	--	--	\$14,811	\$68,609

7. The costs Class Counsel have incurred are made up largely of travel expenses, trial preparation expenses, filing fees, copying and printing charges, expert witness consultations and fees, and other expenses directly related to the prosecution of the lawsuit. Orrick incurred \$228,278.52 of these out-of-pocket costs.

1 I declare under penalty of perjury that the foregoing is true and correct. Executed this 28th day of
2 June, 2016 at San Francisco, California.

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4 /s/ Robert P. Varian

5 Robert P. Varian
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